



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 02-51**  
**January 10, 2002**

**COMMENTS INVITED ON FAIRPOINT COMMUNICATIONS SOLUTIONS  
CORP. APPLICATION TO DISCONTINUE DOMESTIC  
TELECOMMUNICATIONS SERVICES**

**NSD File No. W-P-D-549**

**Comments Due: January 25, 2002**

**Section 214 Application**

**Applicant: FairPoint Communications Solutions Corp.**

On **December 13, 2001**, **FairPoint Communications Solutions Corp** (FairPoint or Applicant), located at **6324 Fairview Road, 4<sup>th</sup> Floor, Charlotte, NC 28210**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its domestic telecommunications services.

The application indicates that FairPoint seeks authority to discontinue providing resold local exchange service to its Verizon-territory customers in Texas. The application states that FairPoint is a competitive local exchange carrier (CLEC) authorized to provide resold and facilities-based local exchange, local toll, and long distance services to business and residential customers in multiple states nationwide, including Texas. Since receiving its local exchange and long distance authorization from the Texas Public Utility Commission, Applicant states that it has exclusively served small to medium-sized business customers. In Texas, FairPoint explains that it provides local services predominantly on a resale basis, and that it provides these services to approximately fifty-five (55) customers in Texas utilizing Verizon's facilities.

The application indicates that FairPoint has re-evaluated its business plan, and concluded that it is in its best interest to eliminate its retail service offerings in Texas. Applicant states that it intends to focus its attention and financial resources exclusively on providing wholesale, carrier-to-carrier services to independent telephone companies and other CLECs. FairPoint explains that it intends to continue to market and provide resold wholesale, carrier-to-carrier long distance services in Texas. Applicant states that its request to withdraw from these local resale markets is a strategic business decision that is based on its plans for future growth in the wholesale sector.

FairPoint's application states it is in a strong financial position to help ensure that its current customers transition to other local service, local toll service, and long distance service providers. The application indicates that FairPoint has developed a comprehensive, two-step customer notification plan that will ensure that its customers have ample notice of FairPoint's plans and sufficient time to select new carriers. Applicant also states that it has provided all affected customers with notice of the proposed discontinuance, as required by Commission rules.<sup>1</sup>

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31<sup>st</sup>) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The FCC will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>2</sup> Comments objecting to this application must be filed with the Commission by **January 25, 2002**. Such comments should refer to application file number **W-P-D-549**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Network Services Division, Common Carrier Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. Comments should also be served upon Applicant. In addition, Commenters are requested to fax their comments to the Commission, attn: Jon Minkoff, at (202) 418-2345.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [cweather@fcc.gov](mailto:cweather@fcc.gov), or Jon Minkoff (202) 418-2353 (voice), [jminkoff@fcc.gov](mailto:jminkoff@fcc.gov), of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit the Network Services Division web site at: <http://www.fcc.gov/ccb/nsd/documents/214.html>.

**-FEDERAL COMMUNICATIONS COMMISSION-**

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<sup>1</sup> See 47 C.F.R. § 63.71(a)(5)(i).

<sup>2</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.